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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 DOUBLEVISION ENTERTAINMENT, LLC,  
11 a Tennessee limited liability company, as  
12 assignee of COMMERCIAL ESCROW  
SERVICES, INC., a California corporation,  
and ANNETTE HARDSTONE, an individual,

No. C 14-02848 WHA

13 Plaintiffs,

**ORDER APPROVING  
STIPULATED PROTECTIVE  
ORDER SUBJECT TO  
STATED CONDITIONS**

14 v.

15 NAVIGATORS SPECIALTY INSURANCE  
16 COMPANY, a New York corporation, THE  
NAVIGATORS GROUP, INC., a New York  
17 corporation, and DOES 1 through 50,  
inclusive,

18 Defendants.

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20 The stipulated protective order submitted by the parties is hereby **APPROVED**, subject to  
21 the following conditions, including adherence to the Ninth Circuit's strict caution against  
22 sealing orders (as set out below):

23 1. The parties must make a good-faith determination that any  
24 information designated "confidential" truly warrants protection under Rule 26(c)  
25 of the Federal Rules of Civil Procedure. Designations of material as  
26 "confidential" must be narrowly tailored to include only material for which there  
27 is good cause. A pattern of over-designation may lead to an order un-designating  
28 all or most materials on a wholesale basis.

## United States District Court

For the Northern District of California

1           2. In order to be treated as confidential, any materials filed with the  
2 Court must be lodged with a request for filing under seal in compliance with Civil  
3 Local Rule 79-5. Please limit your requests for sealing to only those narrowly  
4 tailored portions of materials for which good cause to seal exists. Please include  
5 all other portions of your materials in the public file and clearly indicate therein  
6 where material has been redacted and sealed. Each filing requires an  
7 individualized sealing order; blanket prospective authorizations are no longer  
8 allowed by Civil Local Rule 79-5.

9           3. Chambers copies should include all material — both redacted and  
10 unredacted — so that chambers staff does not have to reassemble the whole brief  
11 or declaration. Although chambers copies should clearly designate which  
12 portions are confidential, chambers copies with confidential materials will be  
13 handled like all other chambers copies of materials without special restriction, and  
14 will typically be recycled, not shredded.

15           4. In *Kamakana v. Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006),  
16 the Ninth Circuit held that *more* than good cause, indeed, “compelling reasons”  
17 are required to seal documents used in dispositive motions, just as compelling  
18 reasons would be needed to justify a closure of a courtroom during trial.  
19 Otherwise, the Ninth Circuit held, public access to the work of the courts will be  
20 unduly compromised. Therefore, no request for a sealing order will be allowed  
21 on summary judgment motions (or other dispositive motions) unless the movant  
22 first shows a “compelling reason,” a substantially higher standard than “good  
23 cause.” This will be true regardless of any stipulation by the parties. *Counsel are*  
24 *warned that most summary judgment motions and supporting material should be*  
25 *completely open to public view.* Only social security numbers, names of  
26 juveniles, home addresses and phone numbers, and trade secrets of a compelling  
27 nature (like the recipe for Coca Cola, for example) will qualify. If the courtroom  
28 would not be closed for the information, nor should any summary judgment

1 proceedings, which are, in effect, a substitute for trial. Motions *in limine* are also  
2 part of the trial and must likewise be laid bare absent compelling reasons. Please  
3 comply fully. Noncompliant submissions are liable to be stricken in  
4 their entirety.

5 5. Any confidential materials used openly in court hearings or trial  
6 will not be treated in any special manner absent a further order.

7 6. This order does not preclude any party from moving to  
8 undesignate information or documents that have been designated as confidential.  
9 The party seeking to designate material as confidential has the burden of  
10 establishing that the material is entitled to protection.

11 7. The Court will retain jurisdiction over disputes arising from the  
12 proposed and stipulated protective order for only **NINETY DAYS** after final  
13 termination of the action.

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15 **IT IS SO ORDERED.**

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17 Dated: September 2, 2014.

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19 WILLIAM ALSUP  
20 UNITED STATES DISTRICT JUDGE  
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